

TENNESSEE REGULATORY AUTHORITY

Pat Miller, Chairman
Deborah Taylor Tate, Director
Sara Kyle, Director
Ron Jones, Director



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460 James Robertson Parkway
Nashville, Tennessee 37243-0505

March 31, 2005

VIA FACSIMILE, ELECTRONIC MAIL AND
FEDERAL EXPRESS OVERNIGHT

Ms. Sonja Johnson-Byers
ComTech21, LLC
One Barnes Park South
Wallingford, Connecticut 06492

In Re: Petition of ComTech21, LLC and CyberTel Communications for Approval of
Transfer of Assets: TRA Docket No.04-00164

Dear Ms. Johnson-Byers,

Please be advised that the *Application to Transfer Customer Base* ("Petition") filed in TRA Docket No 04-00164 is scheduled to be considered by the voting panel assigned to the docket during the next regularly scheduled Authority Conference, which is set for Monday, April 4, 2005. Attached for your information is a copy of the agenda for the Authority Conference.

Also attached is a copy of Mr. Adams' letter to you dated February 9, 2005 in which the TRA repeated its request for information and documentation necessary to consider approval of this Petition. Because you have failed consistently to provide this information the Authority is forced to consider the Petition based on an incomplete and possibly inaccurate record in this docket. The Conference will commence at 1:00 p.m. (central) on April 4, 2005. Please advise whether a representative of ComTech21 will be in attendance.

Sincerely,

Carolyn E. Reed, Counsel
Legal Division

C: Docket File 04-00164
Aster Adams, Chief, CM&PD
Richard Collier, Chief, Legal

Ms. Marie Marcarelli, EVP
ComTech21, LLC
One Barnes Park South
Wallingford, CT 06492

TENNESSEE REGULATORY AUTHORITY

460 James Robertson Parkway
Nashville, TN 37243-0505
(615) 741-2904 Ext 136

FINAL CONFERENCE AGENDA

April 4, 2005 at 1:00p.m. through April 5, 2005 at 9:00a.m.

Issue Date 03/24/2005 2 26 20 PM

Section 1 - Authority Business

1

**04-00342 - STATUS REPORT ON THE IMPLEMENTATION OF STATEWIDE
2-1-1 SERVICE**

Section 2 - Miller, Kyle and Tate

INTERCONNECTION AND RESALE AGREEMENTS

- 05-00031 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELLSOUTH AND AMERICAN
FIBER NETWORKS, INC
- 05-00036 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELLSOUTH AND MEMPHIS
NETWORK, LLC
- 05-00038 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELLSOUTH AND NOS
COMMUNICATIONS, INC

Miscellaneous Business

Section 3 - Miller, Jones and Kyle

- 1 03-00329 **On-Site Systems, Inc.**
PETITION OF ON-SITE SYSTEMS, INC TO EXPAND ITS SERVICE
AREA TO INCLUDE AN AREA KNOWN AS SEVIER COUNTY
*Oral Argument
- 2 04-00164 **ComTech21, LLC**
PETITION OF COMTECH21, LLC AND CYBERTEL COMMUNICATIONS FOR
APPROVAL OF TRANSFER OF ASSETS
*Consider Petition
- 3 05-00009 **AmeriVision Communications, Inc.**
PETITION OF AMERIVISION COMMUNICATIONS, INC TO TRANSFER
CONTROL TO NONPROFIT AND AFFINITY MARKETING, INC
*Consider Petition

INTERCONNECTION AND RESALE AGREEMENTS

- 05-00040 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELL SOUTH AND LIGHTYEAR
COMMUNICATIONS, INC

Miscellaneous Business

Section 4 - Jones, Kyle and Tate

- 1 02-01203 **BellSouth Telecommunications, Inc.**
BELLSOUTH'S COMPLAINT TO ENFORCE INTERCONNECTION AGREEMENT
BETWEEN BELLSOUTH AND ITC DELTACOM COMMUNICATIONS, INC AND
REQUEST FOR EXPEDITED PROCEEDINGS
*Consider Assigning Additional Issues To Hearing Officer
- 2 03-00388 **Tennessee-American Water/Marion County**
JOINT PETITION OF TENNESSEE-AMERICAN WATER COMPANY AND
MARION COUNTY, TENNESSEE, FOR APPROVAL OF PURCHASE
AGREEMENT
*Consider Report And Recommendation *Consider Purchase
Agreement, Franchise Agreement And Certificate Of Public
Convenience And Necessity
- 3 04-00381 **BellSouth Telecommunications, Inc.**
BELLSOUTH'S PETITION TO ESTABLISH GENERIC DOCKET TO
CONSIDER AMENDMENTS TO INTERCONNECTION AGREEMENTS RESULTING
FROM CHANGES OF LAW
*Status Report Of Hearing Officer *Consider Emergency
Motions
- 4 05-00052 **NA Communications, Inc.**
PETITION OF PROJECT HOLDINGS CORP AND NA COMMUNICATIONS,
INC , TO COMPLETE A TRANSFER OF CONTROL OF AN AUTHORIZED
CARRIER
*Consider Petition
- 5 05-00062 **King's Chapel Capacity, LLC, Co.**
KING'S CHAPEL CAPACITY'S PETITION FOR A DECLARATORY RULING
REGARDING THE ASSIGNMENT OF WASTEWATER SERVICE TERRITORY TO
PRIVATE UTILITIES IN TENNESSEE
*Consider Petition

INTERCONNECTION AND RESALE AGREEMENTS

- 05-00034 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELLSOUTH AND INTERMEDIA
COMMUNICATIONS INC
- 05-00035 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELLSOUTH AND MCIMETRO
ACCESS TRANSMISSION SERVICES, L L C

Miscellaneous Business

Section 5 - Miller, Jones and Tate

- 1 03-00209 **Chattanooga Gas Co.**
PETITION OF CHATTANOOGA GAS CO , NASHVILLE GAS CO , A
DIVISION OF PIEDMONT NATURAL GAS CO , INC AND UNITED
CITIES GAS CO , A DIVISION OF ATMOS ENERGY CORP FOR A
DECLARATORY RULING REGARDING THE COLLECTIBILITY OF THE GAS
COST PORTION OF UNCOLLECTIBLE ACCOUNTS UNDER THE PURCHASE
GAS ADJUSTMENT ("PGA") RULES
*One Year Review
- 2 04-00372 **Hickory Star Water Company**
PETITION OF HICKORY STAR WATER COMPANY, L L C FOR APPROVAL
OF WHOLESALE WATER RATE PASS-THROUGH MECHANISM
*Consider Petition
- 3 05-00016 **King's Chapel Capacity, LLC, Co.**
FORMAL COMPLAINT BY KING'S CHAPEL CAPACITY, LLC AGAINST
TENNESSEE WASTEWATER SERVICES REGARDING ABUSE OF ITS CCN
*Consider Complaint
- 4 05-00043 **Computer Network Technology Corporation**
PETITION OF COMPUTER NETWORK TECHNOLOGY CORPORATION, CONDOR
ACQUISITION, INC AND MCDATA CORPORATION FOR APPROVAL OF
TRANSFER OF CONTROL
*Consider Petition

INTERCONNECTION AND RESALE AGREEMENTS

- 05-00033 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELL SOUTH AND ACN
COMMUNICATIONS SERVICES, INC
- 05-00037 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELL SOUTH AND MCI
WORLDCOM COMMUNICATIONS, INC
- 05-00039 **BellSouth Telecommunications, Inc.**
PETITION FOR APPROVAL OF THE AMENDMENT TO THE
INTERCONNECTION AGREEMENT BETWEEN BELL SOUTH AND LECSTAR
TELECOM, INC

Miscellaneous Business

TENNESSEE REGULATORY AUTHORITY

Pat Miller, Chairman
Deborah Taylor Tate, Director
Sara Kyle, Director
Ron Jones, Director



RECEIVED

2005 FEB -9 AM 8:08

T.R.A. DOCKET ROOM

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

February 9, 2005

Ms. Sonja Johnson-Byers
ComTech21, LLC
One Barnes Park South
Wallingford, Connecticut 06492

In Re: Petition of COMTECH21, LLC and CYBERTEL COMMUNICATIONS for
Approval of Transfer of Assets.
Docket No.04-00164

Dear Ms. Johnson-Byers,

The Tennessee Regulatory Authority ("TRA" or "Authority") has been unable to act on or approve the *Application to Transfer Customer Base* ("Application") filed by ComTech 21, LLC ("ComTech") on June 6, 2004. In that *Application*, ComTech asked the TRA to approve a transaction through which ComTech would acquire the customers of Cybertel Communications ("Cybertel"). The *Application*, however, did not provide sufficient information for the TRA to analyze, deny, or approve the request.

On August 9, 2004, the Authority requested that ComTech and Cybertel submit a joint petition signed by authorized representatives of both parties. In addition, the Authority informed you that we have been unable to locate a docket number, a certificate of convenience and necessity ("CCN"), or other proof that Cybertel is authorized to do business in Tennessee. We also requested that you provide to the Authority a contact person for Cybertel. The TRA informed you that the Authority will not be able to approve the petition without the requested information.

To this date the TRA has not received any of the information requested. In the *Application*, in footnote 2, you assert that Cybertel is authorized to provide telecommunications services in Tennessee by virtue of a cited certification letter. Your reference, however, instead relates to an order by which the TRA granted a CCN to Alliance Group Services, Inc. The TRA approved the transfer of Alliance Group's customer base to ComTech by an order dated May 5, 2003 in TRA Docket No. 03-00210. We have been unable to find evidence that Cybertel is authorized to conduct business in Tennessee, is a certificated public utility in Tennessee, or is authorized to provide telecommunication services in Tennessee.

We also have become aware that ComTech 21, LLC currently is not in good standing with the State of Tennessee; ComTech is not authorized to do business in Tennessee, because that authorization was revoked by the Department of Revenue on November 8, 2002. In addition, ComTech has a pending application in TRA Docket No. 04-00057 to expand its CCN to include

facilities-based services. ComTech, however, has twice requested continuances in that docket, first on June 16, 2004, and again on October 1, 2004.

In order to bring this matter to completion, the Authority must receive the information requested on August 9, 2004 and the additional information listed in this letter. Please respond to the following data requests no later than February 17, 2005:

1. Please provide a petition or application signed by both ComTech and Cybertel for the requested transfer of customers.
2. Is Cybertel currently authorized to conduct business in Tennessee? If so, please provide documentation of such authorization.
3. Is Cybertel currently authorized to do business in Tennessee? If so, please provide documentation of such authorization.
4. Is Cybertel a certificated public utility in Tennessee? If so, please provide documentation of such certification.
5. Is Cybertel operating as a telecommunications services provider in Tennessee. If so, please provide information related to such service, including the territory served, customers serviced, services provided, and Cybertel's operational dates.
6. Please describe the telecommunications services offered by Cybertel and whether Cybertel offers only resale services or also facilities-based services. Please comment on the interplay between this matter (the request for a customer base transfer) and ComTech's pending request to expand its CCN.
7. Please provide the name, phone number, and address of a Cybertel representative we can contact regarding this matter.
8. Please provide the most current audited balance sheet and income statement for ComTech.

Please send the original and thirteen copies of your responses to:

Ms Sharla Dillon, Docket Room Manager
460 James Robertson Parkway
Nashville, TN 37243-0505

If you have any questions please contact David McClanahan at 615-741-2904, ext.177.

Sincerely,



Aster Adams, Chief
Competitive Markets & Policy Division

C: Ms. Marie Marcarelli, EVP
ComTech21, LLC
One Barnes Park South
Wallingford, CT 06492

Pat Miller, Chairman
Sharla Dillon, Manager-Docket Room